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OFFICE OF PETITIONS

In re Application of :
Syamal Kumar Lahiri, et. al. :
Application No. 10/038,291 : **ON PETITION**
Filed: November 30, 2004 :
Attorney Docket No. 11042-004 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 30, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment under 37 CFR 1.121 mailed March 17, 2004. The Notice set a period for reply of one (1) month from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight April 17, 2004.

In response, petitioner submitted with the instant petition \$685 for the petition to revive fee, an Amendment, and a Revocation/Substitute Power of Attorney with Change of Attorney Docket Number. Since the Assignee failed to comply with the requirements of 37 CFR 3.73(b), the Revocation/Substitute Power of Attorney and Change of Attorney Docket Number will not be entered. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

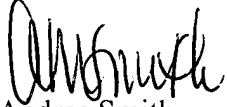
If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. See enclosed blank Statement under 37 CFR 3.73(b). A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition is **GRANTED**.

The application file is being referred to Technology Center Art Unit 2813, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Blank Statement under 37 CFR 3.73(b)

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